

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
SHAVONNE TUCKER, et al., :
:
Plaintiffs, : 23-CV-02946 (AS)
:
-v- :
:
INTERNATIONAL PROACTIVE SECURITY, INC., :
:
Defendant. :
:
----- X

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On April 7, 2023, defendant removed this case to federal court on the basis of diversity jurisdiction. *See* ECF No. 3, ¶ 7. But defendant merely alleges the plaintiffs' states of residence, not their states of citizenship. *Id.* ¶ 8. This is not enough. For the purpose of diversity jurisdiction, "a statement of the parties' residence is insufficient to establish their citizenship." *Leveraged Leasing Admin. Corp. v. PacifiCorp Capital, Inc.*, 87 F.3d 44, 47 (2d Cir. 1996); *see also, e.g., Linardos v. Fortuna*, 157 F.3d 945, 948 (2d Cir. 1998) ("For purposes of diversity jurisdiction, a party's citizenship depends on his domicile."); *Canedy v. Liberty Mut. Ins. Co.*, 126 F.3d 100, 103 (2d Cir. 1997) ("[A]llegations of residency alone cannot establish citizenship . . .").

Accordingly, no later than **Friday, September 8, 2023, defendant shall file an amended notice of removal properly alleging the citizenship of each party to this action.** If, by that date, defendant does not file an amended notice of removal establishing this Court's subject-matter jurisdiction, the Court will dismiss the case without prejudice and without further notice to any party. If plaintiffs disagree with the citizenship allegations in the amended notice of removal, they should file a letter, not to exceed 2 pages, by Tuesday, September 12, 2023.

In addition, plaintiffs shall file a letter by Friday, September 8, 2023, explaining why they did not request to consolidate the state actions until February 2023. The letter should also explain whether plaintiffs seek relief jointly, severally, or in the alternative with respect to the accident. *See* Fed. R. Civ. P. 20(a)(2). The letter should not exceed 2 pages. Defendant shall file any response, not to exceed 2 pages, by Tuesday, September 12, 2023.

SO ORDERED.

Dated: September 6, 2023
New York, New York


ARUN SUBRAMANIAN
United States District Judge